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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,412	10/10/2003	Eugenie Charriere	004900-254	3439
21839 7590 02/22/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER SERGEANT, RABON A	
			ART UNIT	PAPER NUMBER
			1711	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/682,412

Applicant(s)

CHARRIERE ET AL.

Examiner

Rabon Sergeant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/485,533.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed December 1, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment set forth within the paragraph at page 20, lines 2-6.

Since the aforementioned amendment significantly changes the meaning of the paragraph, it is not evident that the amendment merely corrects a typographical error, and applicants have failed to provide any further evidence as to why or how the amendment is supported by the originally filed disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. Claims 44-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Within claims 44 and 45, the specification of the ratio of true dimer units to isocyanate functions as a percent value renders the claims indefinite, because it is unclear how to correlate the percent value to the ratio. It is unclear if applicants' 30% value represents 30 parts true dimer to 70 parts isocyanate functions [$\{(30/(30+70))*100\}$ representing a true percent calculation] or 30 parts true dimer to 100 parts isocyanate functions [$\{30:100\}$ representing a ratio]. The examiner has carefully considered applicants' response; however, the position is maintained that it is unclear how to correlate the percent value to the ratio, because no definitive basis for the calculation has been set forth. Despite applicants' remarks, it is not clear from the specification that the basis is the total weight of all isocyanate functions in the composition.

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Furthermore, it is unclear what constitutes isocyanate functions, because it is unclear if this language refers to isocyanate groups or isocyanate compounds. As can be seen from the aforementioned percent calculation and ratio calculation, the claimed 30% value can be interpreted to mean significantly different things, yet in the absence of a clearly defined basis, the position is maintained that the correct interpretation cannot be determined.

3. Claims 39-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Adequate support has not been provided for the amendments pertaining to “a biuretization catalyst”. Specifically, applicants have not established that the disclosed (cyclo)trimerization or (cyclo)condensation catalysts correspond to or encompass the claimed biuretization catalysts. Applicants’ response has been considered; however, it is not seen that it has adequately addressed the issue. Furthermore, the examiner has considered applicants’ argument in light of Example 12; however, the subject matter of the French patent is ineffective to clarify the situation, since the foreign patent has not been incorporated by reference and since essential material may be not been incorporated by reference to a foreign patent document. See MPEP 608.01(p).

4. Claims 44-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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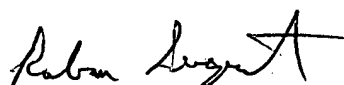
art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Despite applicants' remarks, for the reasons set forth in paragraph 2, above, it cannot be determined how to interpret the percent value as it pertains to the ratio. Within the response, applicants state, "Quite simply, 30% can be written as a ratio of 3:10". However, absent a clear basis to the contrary, one of ordinary skill would interpret a ratio of 3:10 as representing 23% $\{(3/(3+10))*100\}$, not 30%. For example, in a two part composition wherein the ratio is one part A to one part B (1:1), each part is present in an amount of 50% $\{(1/(1+1))*100\}$. According to applicants' position, such a ratio would indicate that each component is present in an amount of 100%.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.


RABON SERGENT
PRIMARY EXAMINER